



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JERONIMO VICTORIANO ESQUIVEL, :
individually and on behalf of others similarly :
situated, :
:

Plaintiff, :
:

v. :
:

LA GLADYS RESTAURANT INC., jointly and :
severally doing business as Gladys Restaurant; :
GLADYS BARSOLAS; ANTONIO AGUILAR; :
and AYZA G. BARZOLA, :
Defendants. :
-----X

ORDER

20 CV 4857 (VB)

On June 24, 2020, plaintiff Jeronimo Victoriano Esquivel commenced the instant action against defendants La Gladys Restaurant Inc., Gladys Barsolas, Antonio Aguilar, and Ayza G. Barzola. (Doc. #1).

On June 25, 2020, the Clerk of Court issued summonses as to defendants La Gladys Restaurant Inc. and Antonio Aguilar. (Docs. ##7, 8). On July 24, 2020, the Clerk issued summonses as to Gladys Barsolas and Ayza G. Barzola. (Docs. ##14, 17).

Also on July 24, 2020, plaintiff docketed a proof of service indicating service on defendant La Gladys Restaurant Inc. on July 23, 2020. (Doc. #16). Accordingly, La Gladys Restaurant Inc. had until August 13, 2020, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

On September 1, 2020, plaintiff docketed proofs of service indicating service on defendants Antonio Aguilar, Gladys Barsolas, and Ayza G. Barzola on July 28, 2020. (Docs. ##19, 20, 21). Accordingly, defendants Antonio Aguilar, Gladys Barsolas, and Ayza G. Barzola had until August 18, 2020, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, defendants have neither appeared in this action nor answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendants remain in default, plaintiff is ORDERED to seek certificates of default as to defendants by September 9, 2020, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendants by September 23, 2020. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: September 2, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge